

Docket No.: 94100420(EP)USC1X1C1D9 PDDD
Serial No.: 09/777,283

PATENT
Art Unit 2154

REMARKS

I. Status

In the Office Action mailed October 2, 2003, the Examiner noted that claims 1-12 were pending and rejected claims 1-12. The applicant respectfully traverses the rejection.

II. Oath Declaration

It is not required by the statutes or by the related rules to state a domestic priority claim in the declaration. To claim domestic priority under 35 U.S.C. 120, applicant must comply with 37 CFR 1.78 which requires, in part, that the priority claim information be in either the first line of the specification or in an application data sheet. 37 CFR 1.78 (2) (iii). The specification was amended in the Amendment of July 8, 2003 to include domestic priorities.

III. Foreign Priority

A certified copy of the priority document GB 9504046.5 has been ordered and will be submitted to the U.S. Patent Office when received.

IV. Response to Examiner's "Response to Amendment"

As to points (3) and (4), the Examiner alleges that Krause discloses "different compression standards" at column 1, lines 11-64. The applicants respectfully disagree. The sections of Krause cited by the Examiner does not show a "processor for operating on data streams of data having portions encoded by respectively different compression standards" (claim 1, as amended, lines 2-3). In contrast, the sections of Krause are merely Background which mention "video compression systems", do not even talk about "compression standards" and do not disclose an apparatus capable of processing data streams having portions encoded by different compression standards. Applicants respectfully request that the Examiner produce a reference which shows a processor for operating on data streams of data having portions

Docket No.: 94100420(EP)USC1X1C1D9 PDDD
Serial No.: 09/777,283

PATENT
Art Unit 2154

encoded by respectively different compression standards or withdraw the rejection.

As to points (5) and (6), the Examiner alleges Krause discloses a "token generator" because Krause discloses a demultiplexer using a separate control signal and also motion vector data from blocks of pixel data to recompute the original prediction signals. The applicants respectfully disagree. The functions of a demultiplexer are not relevant to the generation or production of a token. The action of generation a token produces a "token" entity whereas, the action of demultiplexing splits a data stream into multiple data streams. Thus, they are two totally unrelated functions.

A "token" of the present invention is defined as:

"...A universal adaptation unit in the form of an interactive interfacing messenger package for control and/or data functions."

Specification, page 24b, lines 11-13

This entails a technology more powerful than a traditional token, for example, in the context of token rings, or a traditional packet of information. An embodiment of a token is described in section 10 TOKENS in the specification from page 120, line 30 to page 125, line 4. In contrast to the present invention, the sections of Horvath et al. disclosed by the examiner only shows "block processing" in a single standard. Krause et al. does not disclose a "token" as defined in the specification as shown above. A token is a versatile structure having among its many capabilities, a multi-standard token, as described as follows:

"[a] multi-standard token is a way of mapping MPEG, JPEG and H.261 data streams onto a single decoder using a mixture of standard dependent and standard independent hardware and control tokens"

Docket No.: 94100420(EP)USC1X1C1D9 PDDD
Serial No.: 09/777,283

PATENT
Art Unit 2154

Specification, page 121, lines 17-20

As to points (7) and (8), the Examiner alleges, in response to applicants argument that Dargel does not disclose a "token generator" or "different compression standards", that Dargel discloses a master controller used to provide control information to process data in each stage of the pipeline and that the claim language does not clearly define "different compression standards". The applicants respectfully disagree. As to the first allegation, Dargel does not disclose a "token" as described above and consequently does not describe a "token generator". A "token" contains control information that can be used by each stage to direct that stage to perform actions on the data. This is very different then having a master controller direct each stage as in Dargel. Furthermore, the specification gives examples of a "compression standard", for example, MPEG and JPEG, although "compression standard" is not limited to these examples and may include all future similar standards.

As to points (9) and (10), the Examiner alleges, in response to applicants argument that a "token" is not disclosed in Krause, that Krause discloses motion vector data which is used to retrieve the original video signal. Applicants respectfully disagree. The sections cited by the Examiner merely show the use of a data structure in a motion compensation procedure. The sections do not disclose processing "the at least one data token according to the different compression standard..." (claim 1, lines 7-8).

As to points (11) and (12), the applicants contend that the Examiner has not provided motivation in the prior art as to why Krause and Dargel can be combined to render the present invention obvious. The prior art must suggest the desirability of the claimed invention (M.P.E.P. 2143.01).

The essential factual evidence on the issue of obviousness is set forth in Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966) When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a

Docket No.: 94100420(EP)USC1X1C1D9 PDDD
Serial No.: 09/777,283

PATENT
Art Unit 2154

teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. See, e.g., McGinley v. Franklin Sports, Inc., 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) ("the central question is whether there is reason to combine [the] references," a question of fact drawing on the Graham factors). "The factual inquiry whether to combine references must be thorough and searching." Id. It must be based on objective evidence of record. The examiner can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. (See In re Lee, 277 F.3d 1338, 1342-44 (Fed.Cir. 2002).

The applicants respectfully request that the Examiner point out factual suggestions from the prior art that would lead an individual to conclude Dargel's multi-stage pipeline could provide additional stages for processing data of Krause's system to produce a better image and improve video signals. It does not appear to the applicants' that just adding stages to a machine without something much more found in the prior art will in by itself improve image and video signals.

Furthermore, the Examiner's rejection alleges that Dargel discloses "a control token corresponding to each of the different compression standards". But Dargel does not disclose a machine capable of processing "different compression standards" as recited in claim 1 of the present invention.

V. Rejection of claims under 35 U.S.C. § 103(a)

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Krause et al. (hereinafter Krause) in view of Dargel et al. (hereinafter Dargel). Applicants respectfully traverse the rejections for the following reasons.

To support the allegation that Krause discloses a processor for operating on a data stream of data having portions encoded by respectively different compression standards, the Office Action cites to the Abstract, lines 1-4 and

Docket No.: 94100420(EP)USC1X1C1D9 PDDD
Serial No.: 09/777,283

PATENT
Art Unit 2154

column 3, lines 15-37 and claim 21 of Krause. However, these sections of Krause are describing a device with different means capable of either "frame processing" or "field processing". The reference of Krause in these sections to "format" is referring to "frame format" or "field format" (see Krause, column 2, lines 24-41). In a "field format" each frame in a video signal is separated into two fields which are processed independently. In "frame format", the two fields are processed as a single frame by interleaving the lines of corresponding even and odd fields. These sections of Krause disclosing "formats" is not related to the "different compression standards" (for example, but not limited to JPEG, MPEG, and so forth) recited in independent claims 1 and 11 of the present invention.

To support the allegation that Krause discloses a token generator, the Office Action cites to column 10, lines 12-14 of Krause. However the cited section of Krause shows a demultiplexer which separates an encoded control signal from a video data signal. Hence, Krause does not disclose a "token generator" recited in claim 1 or a "generating a control token" recited in claim 11.

To support the allegation that Krause discloses the processor being conditioned to process the at least one data token according to the different compression standard to which the generated control token corresponds, the Office Action cites to column 10, lines 9-38. However, the cited sections of Krause discloses a demultiplexer which separates an encoded control signal from a video data signal. The cited sections of Krause do not disclose processing "data tokens" or tokens corresponding to "different compression standards".

The Office Action concedes that Krause does not disclose a token generator responsive to the encoded data stream for generating at least one data token and a control token corresponding to each of the different compression standards

To support the allegation that Dargel disclose a token generator responsive to the encoded data stream for generating at least one data token

Docket No.: 94100420(EP)USC1X1C1D9 PDDD
Serial No.: 09/777,283

PATENT
Art Unit 2154

and a control token corresponding to each of the different compression standards, the Office Action cites to column 6, lines 37-43 of Dargel. However, the reference Dargel discloses an image analyzer to perform analysis and classification. Dargel does not disclose "a token generator", nor tokens corresponding to "different compression standards" as recited in claim 1. Furthermore, Dargel discloses an apparatus of analyzing patterns which is non-analogous art to the present invention which is a decoder.

Furthermore, the cited prior art does not disclose a "token" as recited in claims 1 and 11. A token of the present invention is defined in the specification as "interactive interfacing messenger package for control and /or data functions." This entails a technology more powerful than a traditional token, for example, in the context of token rings, or a traditional packet of information.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Establishing a *prima facie* case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970).

As shown above, the combination of Krause with Dargel fails to claim each and every element claimed. Since each and every claimed element is not taught or suggested in the prior art, then there is no *prima facie* case of obviousness.

As to claim 2, the Office Action concedes the Krause does not disclose a pipeline processor, but cites to Dargel for this disclosure. However, the Office Action does not explain how Krause and Dargel can be combined to render the present invention obvious. Furthermore, Krause is directed to a decoder and Dargel is directed to a pattern analyzer. Since, the two apparatuses are different architectures directed to different functions, it is not obvious how the two apparatuses could be combined to render the present invention obvious.

Therefore, the present invention recited in claims 1-12 is not rendered obvious by the cited prior art.

Docket No.: 94100420(EP)USC1X1C1D9 PDDD
Serial No.: 09/777,283

PATENT
Art Unit 2154

VI. Concluding Matters

In view of the foregoing remarks, it is respectfully submitted that each of the claims distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowance of all the pending claims is respectfully requested.

Should there be any remaining questions to correct format matters, it is urged that the Examiner contact the undersigned attorney with a telephone interview to expedite and complete prosecution.

If any further fees are required in connection with the filing of this response, please charge same to our Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES



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